

Decision **DRAFT DECISION OF ALJ PRESTIDGE** (Mailed 7/20/2006)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Myatel Corporation for a Certificate of Public Convenience and Necessity to Provide Limited Facilities-Based and Resold Local Exchange Services within the Local Service Territories of Pacific Bell Telephone Company, Verizon, California, Inc., SureWest Telephone, and Citizens Telecommunications Company of California, Inc.

Application 06-02-039
(Filed February 23, 2006)

**OPINION DISMISSING APPLICATION FOR FAILURE TO
COMPLETE THE APPLICATION****I. Summary**

This decision dismisses the application of Myatel Corporation (Applicant) for a certificate of public convenience and necessity (CPCN) for authority authorizing the provision of limited facilities-based and resold local exchange telecommunications services in this state, based on Applicant's failure to complete the application.

II. Discussion

On February 23, 2006, Applicant filed this application for a CPCN under Pub. Util. Code § 1001 for authority to provide limited facilities-based and resold local exchange telecommunications services in this state. However, the application did not include sufficient financial documentation to meet Commission requirements for the issuance of a CPCN for limited-facilities based

and resold services. The assigned Administrative Law Judge (ALJ) therefore directed Applicant to make a supplemental filing including financial documentation that meets Commission requirements by no later than April 28, 2006. Applicant failed to make a supplemental filing within this time or to request an extension of time in which to do so.

On May 15, 2006, the assigned ALJ issued a ruling which ordered Applicant to make a supplemental filing containing proper financial documentation to show that Applicant meets Commission requirements for the issuance of a CPCN authorizing the provision of limited facilities-based and resold services within 30 days (by June 15, 2006).

To date, Applicant has not made a supplemental filing which contains the required information and has not requested an extension of time in which to do so. Both the ALJ's ruling and the ALJ's previous letter to Applicant fully explained the types of financial documentation needed to meet Commission requirements.

This application cannot be left open indefinitely. Applicant has been given more than a reasonable opportunity to complete its application for a CPCN and has failed to do so. Therefore, the application shall be dismissed based on Applicant's failure to complete the application. This order will be made effective immediately in order to clear this application from the Commission's list of active proceedings.

III. Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Commission's Rules of Practice and Procedure. No comments were filed.

IV. Categorization and Need for Hearings

In Resolution ALJ 176-3169 dated March 15, 2006, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Applicant has failed to complete this application, despite being given more than a reasonable opportunity to do so. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

V. Assignment of Proceeding

Rachelle B. Chong is the Assigned Commissioner and Myra J. Prestidge is the assigned ALJ in this proceeding.

Findings of Fact

1. Applicant failed to respond to the assigned ALJ's May 15, 2006 ruling, which directed Applicant to file proper financial documentation to show that Applicant meets Commission financial requirements for issuance of CPCN authorizing the provision of limited facilities-based and resold services in this state, within 30 days in order to avoid dismissal of the application.

2. The application cannot be left open indefinitely.

3. Applicant has failed to complete the application, despite being given more than a reasonable opportunity to do so.

Conclusions of Law

1. The application should be dismissed based on Applicant's failure to complete the application.

2. This order should be made effective immediately in order to clear this application from the Commission's list of active proceedings.

O R D E R

IT IS ORDERED that:

1. Application 06-02-039 is dismissed.
2. Application 06-02-039 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated July 20, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

******* SERVICE LIST *******

**Last Update on 15-MAY-2006 by: SMJ
A0602039 NOPOST**

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